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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-063

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. SECTION 5 states that “Comm 116.03 (intro.), (1), (2), (3) and (4)” are amended. However, the provision does not amend s. 116.03 (intro.); there is no such provision. The correct format is to state that “Comm 116.03 (1) to (4)” are amended.

b. In s. Comm 116.04 (1), the second and third occurrence of the notation “s. Comm” should be deleted. Also, in sub. (2), the second occurrence of the notation “s. Comm” should be deleted. Finally, the numeral “8” should be inserted following the word “SECTION” in the treatment clause that repeals and recreates s. Comm 116.04 (1) and (2).

c. Section Comm 116.04 (2) provides that an applicant for a grant or loan must submit an application for funding addressing all instructions and items in an application manual provided by the department. Current application requirements in s. Comm 116.04 (3) are repealed. If any portions of the manual have the effect of law and meet the definition of a rule, those portions should be promulgated as rules. [See ss. 227.01 (13) and 227.10 (1), Stats.]

d. SECTION 12 of the rule states that “Comm 116.06, 116.07, 116.08, 116.09 and 116.10” are amended. However, the provision does not amend s. Comm 116.10. Thus, either that provision should be included in the rule or that section should be deleted from the enumerated sections.

e. The analysis to the rule states that these rules will not affect small businesses. However, s. 227.114 (1) (a), Stats., defines a small business as one which employs fewer than 25

full-time employees or which has gross annual sales of not less than \$2,500,000. Since the rule expands eligibility of businesses to include those with up to 50 employees and some of those businesses may meet the alternative definition in s. 227.114 (1) (a), Stats., of having less than \$2,500,000 in annual sales, the rule has two potential effects: (1) it may cause the available funds to be spread among more businesses because of the increased competition caused by the expansion of eligibility; and (2) it will make some “small” businesses eligible for the plan that previously were not. Therefore, the initial regulatory flexibility analysis statement does not appear to be accurate.

- f. The rule does not contain an effective date provision. [See s. 1.02 (4), Manual.]